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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,356	02/05/2004	Roger Allen Chickering	AOL0159	1958

22862   7590   07/17/2007

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EXAMINER
FATEHI, PARHAM R

ART UNIT	. PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/774,356	CHICKERING, ROGER ALLEN
	Examiner	Art Unit	
	Parham (Paul) R. Fatehi	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *4/16/2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 36 are pending. Applicant has amended claims 1, 13 and 26 in

response to the prior Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3. **Claims 1-9, 12-21, 24-33 & 36 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Bolmarcich et al (US 6,539,435) in view of Stevens (Unix

Network Programming, 1990), and further in view of Colyer (US 5,862, 328).

4. Bolmarcich was cited in the prior Action. Stevens was cited in the prior Action.

Colyer was necessitated by amendment.

5. As per claim 1, Bolmarcich discloses a method of inter-process communication

between at least two application processes on one computer (col. 2, ln. 31-34,

method of inter-process communication between two program tasks on a

computer); The first process communicating with the second process using the

first connection if the first connection is successfully established (col. 2, ln. 44-48, a first process of a program communicates with a second process using a first connection); the first process starting a third process of the second application if the first process fails to establish a connection with the second process (col. 2, ln. 49-52, a first task on a first program can start a task on a second program); the first process initiating a first connection to the second process (col. 2, ln. 49-52, a first process connects to a second that either accepts or rejects the connection); a first process of a first application (col. 2, ln. 31-24, a first application that contains a first task); inter-process communications between at least two application processes is restricted to communications between applications running on a single computer (col. 2, ln. 15-19, parallel programs running on one computer such as the IBM PS2).

6. Bolmarcich fails to explicitly disclose determining a name of a first file in a file system of the computer, the name of the first file being associated with a second application, the first file containing information for the first process to connect to a second process of the second application for inter-process communication

7. Whereas, Stevens, in an analogous art discloses determining a name of a first file in a file system of the computer, the name of the first file being associated with a second application, the first file containing information for the first process to connect to a second process of the second application for inter-process

communication (pg. 108, a pipe initiates another process from a calling process, where a pipe contains the information for the first process to connect to the second); The first process initiating a first connection to the second process using the information contained in the first file (pg. 108, a first process initiates a connection to a second process using pipes). One of ordinary skill in the art, at the time the invention was made, would have modified the teachings of to include the teachings of Stevens in order to enable a process to quickly and efficiently call another process.

8. Bolmarcich as modified by Stevens fails to explicitly disclose under control of a single instance of an operating system. Whereas, in an analogous art, Colyer teaches that OS2 v. 2.0 is one instance of an operating system that runs on an IBM PS2 computer (col. 7, ln. 13-15). One of ordinary skill in the art at the time the invention was made, would have modified the teachings of Bolmarcich in view of Stevens to include a single instance of an operating system such as OS2 in order for the IBM PS2 computer to manage its hardware and software resources.

9. As per claim 2, the system of Bolmarcich as modified by Stevens and Colyer discloses the invention substantially as claimed and also discloses the first process initiating a connection to the third process in response to the third process informing the first process that the third process is ready for a

connection (col. 2, ln. 44-52, a task of the first program initiates connections to any task of the second program, col. 4, ln. 55-62, when task of the passive program notifies that it is ready receive connections from the active program). Claim 2 is also rejected under the same reasons as claim 1.

10. As per claim 3, the system of Bolmarcich as modified by Stevens and Colyer discloses the invention substantially as claimed and also discloses the third process is started in server mode without a user interface (col. 4, ln. 55-56, connection to the server program to initiate a task, where a server inherently includes all servers regardless of a user interface). Claim 3 is also rejected under the same reasons as claim 1 above.

11. As per claim 4, the system of Bolmarcich as modified by Stevens and Colyer discloses the invention substantially as claimed and also discloses that the first process fails to establish a connection with the second process because the second process is not running (col. 2, ln. 31-35, a method for establishing a connection between two programs each having one or more tasks, where if one program does not have one or more task, a connection will fail). Claim 4 is also rejected under the same reasons as claim 1 above.

12. As per claim 5, the system of Bolmarcich as modified by Stevens and Colyer discloses the invention substantially as claimed and also discloses the first file

being missing from the file system indicates that the second process is not
running (Stevens, pg. 108-110, a pipe initiates another process and is available
in the standard I/O library. See pg. 108, Client/Server example using the 'popen'
function. See forks on pg 110. If there is no data in the fork, then the process is
not running). Claim 5 is also rejected under the same reasons as claim 1 above.

13. As per claim 6, the system of Bolmarcich as modified by Stevens and Colyer
    discloses the invention substantially as claimed and also discloses when the first
    process is started, the first process determining if a fourth process of the first
    application is running (col. 5, ln. 37-42, task manager determines if processes
    are running); the first process requesting the fourth process to perform a task for
    the first process if the fourth process is running (col. 5, ln. 2-5, the first process
    can request fourth process to perform task by sending message until client task
    is prepared to receive message); and the first process exiting after requesting the
    fourth process to perform the task for the first process (col. 5, ln. 6-7, tasks can
    be free running). Claim 6 is also rejected under the same reasons as claim 1
    above.

14. As per claim 7, the system of Bolmarcich as modified by Stevens and Colyer
    discloses the invention substantially as claimed and also discloses the first
    process of the first application determining a name of a second file in the file

system of the computer, the name of the second file being associated with the

first application (Stevens, pg. 108-110, using pipes and forks a first process can

determine the name of a second file in the file system of a computer, the name of

the second file being associated with the first application). Claim 7 is also

rejected under the same reasons as claim 1 above.

15. As per claim 8, the system of Bolmarcich as modified by Stevens and Colyer

discloses the invention substantially as claimed and also discloses the second

file being missing from the file system indicates that the fourth process of the first

application is not running (Stevens, pg. 108-110, a pipe initiates another process

and is available in the standard I/O library. See pg. 108, Client/Server example

using the popen function. See forks on pg 110. If there is no data in the fork,

then the process is not running). Claim 8 is also rejected under the same

reasons as claim 1 above.

16. As per claim 9, the system of Bolmarcich as modified by Stevens and Colyer

discloses the invention substantially as claimed and also discloses the use of a

parallel program where each program contains one of more tasks (Bolmarcich,

col. 5, ln. 37-42), where when one task is failed to connect to another task, it

forwards the request to another task (Bolmarcich, col. 2, ln. 45-52); the second

file contains information for the first process to connect to a fourth process for.

inter-process communication; failure in connecting to the fourth process using the

information contained in the second file indicates that the fourth process of the

first application is not running; and success in connecting to the fourth process

using the information contained in the second file indicates that the fourth

process of the first application is running (Bolmarcich, col. 2, ln. 45-52 & col. 5,

ln. 37-42). Claim 9 is also rejected under the same reasons as claim 1 above.

17. As per claim 12, the system of Bolmarcich as modified by Stevens and Colyer

discloses the invention substantially as claimed and also discloses when the

second process is started, the second process determining if a fourth process of

the second application is running (Bolmarcich, col. 5, ln. 37-42, task manager

determines if processes are running); the second process requesting the fourth

process to perform a task for the second process if the fourth process is running

(Bolmarcich, col. 5, ln. 2-5, the first process can request fourth process to

perform task by sending message until client task is prepared to receive

message); and the second process exiting after requesting the fourth process to

perform the task for the second process (Bolmarcich, col. 2, ln. 6-7, tasks can be

free running). Claim 12 is also rejected under the same reasons as claim 1.

18. As per claim 13, it is an apparatus claim with same limitations as claim 12 and

rejected under the same reasons.

19. As per claim 25, the system of Bolmarcich as modified by Stevens and Colyer

   discloses the invention substantially as claimed and also discloses inter-process

   communication between at least two processes on one computer (Bolmarcich,

   col. 2, ln. 15-19, parallel programs running on one computer). Claim 25 is also

   rejected under the same reasons as claims 1 & 13 above.

20. As per claims 14 & 26, they are apparatus and system claims with same

   limitations as claim 10 and rejected under the same reasons.

21. As per claims 15 & 27, they are apparatus and system claims with same

   limitations as claim 11 and rejected under the same reasons.

22. As per claims 16 & 28, they are apparatus and system claims with same

   limitations as claim 10 and rejected under the same reasons.

23. As per claims 17 & 29, they are apparatus and system claims with same

   limitations as claim 11 and rejected under the same reasons.

24. As per claims 18 & 30, they are apparatus and system claims with same

   limitations as claim 10 and rejected under the same reasons.

25. As per claims 19 & 31, they are apparatus and system claims with same limitations as claim 11 and rejected under the same reasons.

26. As per claims 20 & 32, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

27. As per claims 21 & 33, they are apparatus and system claims with same limitations as claim 11 and rejected under the same reasons.

28. As per claims 24 & 36, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

29. **Claims 10, 11, 22, 23, 34 & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolmarcich in view of Stevens and Colyer, and further in view of Strom et al (US Patent 7,010,796).**

30. As per claim 10, the system of Bolmarcich as modified by Stevens and Colyer discloses the invention substantially as claimed and but fails to disclose the first process communicates with the second process using the first connection through an Application Programming Interface (API).

31. Whereas, Strom in an analogous art discloses the first process communicates with the second process using the first connection through an Application Programming Interface (API) (Strom, col. 4, ln 23-27 / Fig. 8, #127 & 137). One of ordinary skill in the art, at the time the invention was made, would have modified the teachings of Bolmarcich in view of Stevens and Colyer, to include the API methods of Strom in order to enable cross-platform inter-process controls.

32. As per claim 11, the system of Bolmarcich as modified by Stevens, Colyer and Strom discloses the invention substantially as claimed and also discloses the Application Program Interface (API) is platform independent (Strom, col. 4, ln 23-27 / Fig. 8, #127 & 137).

33. As per claims 22 & 34, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

34. As per claims 23 & 35, they are apparatus and system claims with same limitations as claim 11 and rejected under the same reasons.

Response to Arguments

35. Applicant's arguments, filed 4/30/2007, with respect to Oath/Declaration have

been fully considered and are persuasive. The objection of the Oath/Declaration

has been withdrawn.

36. In response to applicant's argument that there is no suggestion to combine the

references of Bolmarcich and Stevens, the examiner recognizes that

obviousness can only be established by combining or modifying the teachings of

the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in

the knowledge generally available to one of ordinary skill in the art. See *In re*

Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958

F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant argues that

because Bolmarcich does not disclose "a single computer" but rather discloses

"multiple computers" for inter-process communication, the combination of

references does not teach each and every word of the claim. In this Action, the

Examiner has particularly mapped out the lines in the Bolmarcich reference that

pertain to "a single computer" in order to provide further evidence that the

combined references teach the claim. One of ordinary skill in the art, at the time

the invention was made, would have recognized the benefits of using pipes

(Stevens) for inter-process communication on a single computer (Bolmarcich,

col. 2, ln. 15-19, parallel programs running on one computer such as the IBM

PS2) in order to enable a process to quickly and efficiently call another process.

37. Applicant argued in substance, that amendments of claims 1, 13 & 25 to include

"one operating system" would render the independent claims and dependent

claims to be patentable. Applicant's arguments with respect to claims 1-36 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

39. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

40. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Parham (Paul) R. Fatehi whose telephone

number is 571-270-1407. The examiner can normally be reached on M-Th

9:30AM-8PM EST, off Fridays.

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Thomson can be reached on (571)272-3718. The fax phone

number for the organization where this application or proceeding is assigned is

571-273-8300.

42. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

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direct.uspto.gov. Should you have questions on access to the Private PAIR

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Paul Fatehi
AU 2191

07/02/2007

WILLIAM THOMSON
ERVISORY PATENT EXAMINER